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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,359	03/02/2004	Kenneth Roger Jones	1033-MS1024	8966

60533   7590   01/22/2008

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EXAMINER
BOKHARI, SYED M

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
01/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/791,359	JONES ET AL.
	Examiner	**Art Unit**	
	Syed Bokhari	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-3,6-15,17-22 and 24-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7,14,15,20-22,24,29,31 and 32* is/are rejected.

7)☒ Claim(s) *6, 8-13, 17-19, 25-28 and 30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant amendment filed on October 9th, 2007 has been entered. Claims

1, 6, 13, 14, 20, 2125, 26, 27 and 28   have been amended. Claims 4-5, 16 and

23 have been cancelled. Claims 1-3, 6-15, 17-22 and 24-32 are still pending in

the application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published
> under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the
> effects for purposes of this subsection of an application filed in the United
> States only if the international application designated the United States
> and was published under Article 21(2) of such treaty in the English
> language.

3.   Claim 1-3, 7, 14-15, 20-22, 24, 29 and 31-32 are rejected under 35

U.S.C. 102(e) as being anticipated by Jones et al. (US 2005/0033853).

Jones et al. discloses a communication system to identify devices employing

point to point over Ethernet encapsulation with the following features: regarding

claim 1, a method of identifying a device comprising (Fig. 1, distributed network,

see "utilizes point to point over Ethernet PPPoE" recited in Abstract lines 1-3),

receiving a request to establish a Point to Point Protocol over Ethernet (PPPoE)

session on behalf of a Local Area Network (LAN) side device (Fig. 2, CPE device

connected via an IP network to access concentrator, see "the CPE receives a

PPPoE active discovery session packet" recited in paragraph 0008 lines 9-16),

outputting a PPPoE discovery stage packet that comprises a tag identifying the

LAN side device (Fig. 2, CPE device connected via an IP network to access

concentrator, see "sending a PPPoE active discovery packet" recited in

paragraph 0009 lines 1-5), receiving a different request to establish a different

PPPoE session on behalf of a different LAN side device (Fig. 2, CPE device

connected via an IP network to access concentrator, see "the CPE receives a

PPPoE active discovery session packet" recited in paragraph 0022 lines 1-3 and

paragraph 0008 lines 9-16), outputting a different PPPoE discovery stage packet

that comprises a different tag identifying the different LAN side device (Fig. 2,

CPE device connected via an IP network to access concentrator, see "sending a

PPPoE active discovery packet" recited in paragraph 0022 lines 1-3 and

paragraph 0009 lines 1-5 on page 1 in Summary), receiving an access

concentrator packet responsive to the PPPoE discovery stage packet (Fig. 3,

stages of PPPoE discovery, see "PADO packet is received by client 225 in step

306" recited in paragraph 0031 lines 3-5), the access concentrator packet

comprising the tag recognizing the tag in the access concentrator packet (Fig. 3,

stages of PPPoE discovery, see "packet includes a tag that identifies a product"

recited in paragraph 0031 lines 5-9) and communicating the tag from the access

concentrator packet to the LAN side device (Fig. 3, stages of PPPoE discovery,

see "the Ethernet communication session is then conducted between the client

and the server" recited in paragraph 0031 lines 9-14); regarding claim 2, wherein

the PPPoE discovery stage packet comprises a PPPoE Active Discovery

Initiation packet (Fig. 3, stages of PPPoE discovery, see "active discovery

initiation PADI packet" recited in paragraph 0030 lines 8-10); regarding claim 3,

further comprising receiving an access concentrator packet responsive to the

PPPoE discovery stage packet, the access concentrator packet comprising the

tag (Fig. 2, CPE device connected via an IP network to access concentrator, see

"device identifier in the tag with a PADR packet" recited in paragraph 0032 lines

1-10); regarding claim 7, wherein the tag complies with a Host-Uniq TAG

construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP

network to access concentrator, see "include a tag host-uniq tag" recited in

paragraph 0008 lines 7-9); regarding claim 14, a device identification system,

comprising (Fig. 1, distributed network, see "utilizes point to point over Ethernet

PPPoE" recited in Abstract lines 1-3), an access concentrator having a

computing platform and an interface operable to facilitate a communicative

coupling of a plurality of remote devices to the computing platform (Fig. 2, CPE

device connected via an IP network to access concentrator, see "CPE devices

225 are connected to access concentrator " recited in see paragraph 0027 lines

1-4), a second interface communicatively coupled to the computing platform

(Fig. 2, CPE device connected via an IP network to access concentrator, see

"access concentrator 223 is connected to a database" recited in see paragraph

0028 lines 4-11), operable to facilitate an outputting of a collection of information

representing a PPP session of a first of the plurality of remote devices and a

different PPP session of a different one of the plurality of remote devices (Fig. 1,

distributed network, see "CPE provided information broadband service provider

to identify and manage" recited in paragraph 0022 lines 4-11 on page 2), a Local

Area Network (LAN) engine communicatively coupled to the interface and

configured to recognize an identification tag in a packet included in a discovery

stage of the PPP session, the identification tag identifying a subscriber LAN

device communicating the packet via the first of the plurality of remote devices

(Fig. 1, distributed network, see "discovery packet having a tag including a device

identifier field" recited in paragraph 0012 lines 1-10), wherein the LAN engine is

at least partially embodied by a processor accessing a computer-readable

medium having computer-readable instructions (Fig.4, an ADSL bridge/router

board which incorporates a module configured to transmit a PPPoE active

discovery packet including tag, see "board 400 includes a memory control 409

with connecting flash 411 and SDRAM 410" recited in paragraph 0035 lines

1-10), executing the computer-readable instruction to recognize an existence of

the tag to identify device identification information contained in the tag (Fig.4, an

ADSL bridge/router board which incorporates a module configured to transmit a

PPPoE active discovery packet including tag, see "module 415 configured to

transmit active discovery packet including tag" recited in paragraph 0034 lines

1-11) and to update a memory associated with a Broadband Remote Access

Server to acknowledge the device identification information (Fig. 2, CPE device

connected via an IP network to access concentrator, see "access concentrator

223 receives the tag information and stores the device identifier code in a

database" recited in see paragraph 0032 lines 7-13); regarding claim 15, wherein

the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516

(Fig. 2, CPE device connected via an IP network to access concentrator, see

"include a tag host-uniq tag" recited in paragraph 0008 lines 7-9); regarding

claim 20, further comprising a Broadband Remote Access Server

communicatively coupled to the LAN engine (Fig. 2, CPE device connected via

an IP network to access concentrator, see "CPE devices 225 are connected to

access concentrator " recited in see paragraph 0027 lines 1-4) and operable to

maintain information representing the subscriber LAN device (Fig. 1, distributed

network, see "access concentrator collects CPE provided information" recited in

paragraph 0022 lines 7-11); regarding claim 21, a method of identifying remote

devices comprising ((Fig. 1, distributed network, see "utilizes point to point over

Ethernet PPPoE" recited in paragraph 0008 lines 1-3), receiving a PPPoE packet

from a remote node (Fig. 2, CPE device connected via an IP network to access

concentrator, see "the CPE receives a PPPoE active discovery session packet"

recited in paragraph 0012 lines 2-5), recognizing that the PPPoE packet

comprises a tag including information associated with a device communicating

via the remote node (Fig. 1, distributed network, see "discovery packet having a

tag including a device identifier field" recited in paragraph 0012 lines 5-10),

receiving another PPPoE packet from the remote node (Fig. 2, CPE device

connected via an IP network to access concentrator, see "the CPE receives a

PPPoE active discovery session packet" recited in paragraph 0008 lines 9-16),

recognizing that the other PPPoE packet comprises a different tag including

other information associated with a different device communicating via the

remote node (Fig. 2, CPE device connected via an IP network to access

concentrator, see "sending a PPPoE active discovery packet" recited in

paragraph 0009 lines 1-5) and providing a broadband link at least partially a

communicating network node and the remote node (Fig. 2, CPE device

connected via an IP network to access concentrator, see "broadband service

provider computing a DSL service required for end users" recited in paragraph

0004 lines 1-10 in background); regarding claim 22, further comprising:

associating the remote node with a subscriber; and maintaining subscriber

information comprising an identification of the device and the different device

(Fig. 2, CPE device connected via an IP network to access concentrator, see

"device identifier in the tag with a PADR packet" recited in paragraph 0032 lines

12 on page 2 and lines 3-10); regarding claim 24, wherein the PPPoE packet

comprises a PPPoE Active Discovery Initiation (PADI) packet (Fig. 2, CPE device

connected via an IP network to access concentrator, see "include a device

identifier code" recited in paragraph 0008 lines 3-7); regarding

claim 29, wherein the communication network node comprises a Broadband

Remote Access Server (Fig. 2, CPE device connected via an IP network to

access concentrator, see "CPE devices 225 are connected to access

concentrator " recited in paragraph 0027 lines 1-4); regarding claim 31, wherein

the tag comprises a sixteen-bit tag (Fig. 6, Ethernet payload for PPPoE, see

"session ID field 612 is 16 bits" recited in paragraph 0040 lines 1-2) and

regarding claim 32, wherein the tag complies with a Host-Uniq TAG construct

described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to

access concentrator, see "include a tag host-uniq tag" recited in paragraph 0008

lines 7-9).

Allowable Subject Matter

4.   Claims 6, 8-13, 17-19, 25-28 and 30 are objected to as being

dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any

intervening claims.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-3, 7, 14-15, 22, 24, 29, and

31-32 have been considered but are moot in view of the new ground(s) of

rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Bokhari whose telephone number is (571) 270-3115. The examiner can normally be reached on Monday through Friday 8:00-17:00 Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KWANG BIN YAO
SUPERVISORY PATENT EXAMINER